

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**May 23, 2019**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Eduardo Valencia

Case Number: 0980 2:10CR02106-RMP-1

Address of Offender: [REDACTED] Toppenish, Washington 98948

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: December 15, 2011

Original Offense: Possession of a Firearm by Prohibited Person, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 77 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: December 30, 2016

Defense Attorney: Federal Defenders Office

Date Supervision Expires: December 29, 2019

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**PETITIONING THE COURT**

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number      Nature of Noncompliance

1      **Standard Condition #3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mr. Valencia is alleged to have failed to report to the probation office as directed on May 17 and 22, 2019.

On January 3, 2017, supervised release conditions were reviewed and signed by Mr. Valencia acknowledging his understanding of standard condition number 3, which requires him to follow the instructions of the probation officer.

On May 16, 2019, this officer received information Mr. Valencia was associating with negative peers and using drugs. As a result, this officer made contact with Mr. Valencia and he was instructed to report to the probation office. Mr. Valencia reported he was at work but agreed to report the following day, on May 17, 2019, by noon during his lunch break. Mr. Valencia failed to report as directed.

On May 21, 2019, at approximate 4 p.m., U.S. Probation Officer Leavitt spoke with Mr. Valencia and he was directed to report to the probation office before the close of business on this date. At approximately 4:37 p.m., U.S. Probation Officer Leavitt received a call from

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the defendant informing her he would not be reporting today and did not want to waste the officers' time. At this time, Mr. Valencia admitted to using methamphetamine earlier this morning. According to U.S. Probation Officer Leavitt, Mr. Valencia was directed to report by 8 a.m. the following day, on May 22, 2019. He agreed to report as directed.

On May 21, 2019, at approximately 7:45 p.m., this officer spoke with Mr. Valencia in regard to his failure to report as directed and failure to respond to the voice mail messages left on his cellular telephone. Mr. Valencia stated he had not checked his voice mail messages. He was questioned why he had not reported as directed. Mr. Valencia reported he has been busy at work and has not been able to take time off. Mr. Valencia further stated he knows he has "fucked up but will take it like a man" with what is coming to him. Mr. Valencia was directed to make arrangements with his employer by letting them know he would be late for work so he can report to the probation office. Mr. Valencia agreed and stated he would report as directed. Mr. Valencia failed to report as directed on May 22, 2019.

On the morning of May 22, 2019, this officer learned from U.S. Probation Officer Leavitt that Mr. Valencia did not work on May 21, 2019, due to the weather. Therefore, Mr. Valencia had no reason not to report to probation on that date.

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**Special Condition #17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Valencia is alleged to have failed to submit to a drug screen as directed on May 17 and 22, 2019.

On January 3, 2017, supervised release conditions were reviewed and signed by Mr. Valencia acknowledging his understanding of special condition number 17, which requires him to submit to urinalysis testing as directed by the supervising officer.

On May 16, 2019, this officer received information Mr. Valencia was associating with negative peers and using drugs. As a result, this officer made contact with Mr. Valencia and he was instructed to report to the probation office to submit to a drug screen. Mr. Valencia reported he was at work but agreed to report the following day, May 17, 2019, by noon during his lunch break. Mr. Valencia failed to report as directed.

On May 21, 2019, at approximately 7:45 p.m., this officer spoke with Mr. Valencia in regard to his failure to report as directed for a drug screen and failure to respond to the voice mail messages left on his cellular telephone. Mr. Valencia was again directed to report to the probation office the following day, May 22, 2019, by 8 a.m. Mr. Valencia again failed to report as directed.

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**Mandatory Condition #3:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

**Supporting Evidence:** Mr. Valencia is alleged to have consumed a controlled substance - methamphetamine, on or before May 21, 2019.

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On January 3, 2017, supervised release conditions were reviewed and signed by Mr. Valencia acknowledging his understanding of mandatory condition number 4, which prohibits him from using a controlled substance.

On May 21, 2019, U.S. Probation Officer Leavitt spoke with Mr. Valencia in regard to his failure to report as directed. According to U.S. Probation Officer Leavitt, Mr. Valencia admitted to having used methamphetamine the morning of May 21, 2019.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 22, 2019

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

5/22/2019

Date